

EXECUTIVE BOARD

FRIDAY, 13TH FEBRUARY, 2009

PRESENT: Councillor A Carter in the Chair

Councillors R Brett, J L Carter, R Finnigan,
S Golton, R Harker, P Harrand, J Procter,
S Smith and K Wakefield

Councillor J Blake – Non voting advisory member

DEVELOPMENT AND REGENERATION

185 The Former Royal Park Primary School

A report was submitted by the Director of City Development providing an update on the current position regarding the former Royal Park Primary School and outlining several options which would enable the matter to be progressed.

A supplementary report including an appendix subsequently confirmed as exempt at minute 186(e), under Access to Information Procedure Rule 10.4(3) had been circulated prior to the meeting providing details of an offer which had been made by the Muslim Association of Leeds 11 regarding the acquisition of the freehold of the former school. A letter from Headingley Ward Councillors and a petition submitted by a representative of the Royal Park Community Consortium was also tabled at the meeting.

RESOLVED – That the report be withdrawn, with a further report being submitted to the Board at the earliest opportunity following respective meetings being held with both the Muslim Association of Leeds 11 and the Royal Park Community Consortium.

186 Exclusion of the Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

- (a) Appendix 2 to the report referred to in minute 193 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that this information is not publicly available from the statutory registers of information kept in respect of certain companies or charities. It is considered that since this information was obtained through one to one negotiations for the purchase of the land/property referred to then it is not in the public interest to disclose this information at this point in time. Also, the release of such information would or would be likely to prejudice the Council's commercial interests in relation to and

undermine its attempts to acquire by agreement similar properties in the locality in that owners of other similar properties would be aware about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be available from the Land Registry following completion of the purchases and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

- (b) Annex 2 to the report referred to in minute 197 under the terms of Access to Information Procedure Rule 10.4(1) and (2) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because Education Leeds has a duty to secure improvement and increased confidence in the schools concerned and this would be adversely affected by the disclosure of the information.
- (c) Annex 2 to the report referred to in minute 198 under the terms of Access to Information Procedure Rule 10.4(1) and (2) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because Education Leeds has a duty to secure improvement and increased confidence in the schools concerned and this would be adversely affected by the disclosure of the information.
- (d) Appendices 1, 2 and 3 to the report referred to in minute 205 under the terms of Access to Information Procedure Rules 10.4(3) and on the grounds that this information is not publicly available from the statutory registers of information kept in respect of certain companies or charities. It is considered that since this information was obtained through one to one negotiations for the transfer of assets then it is not in the public interest to disclose this information at this point in time as it could undermine this method of negotiation and affect the integrity of transfer of assets by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation other similar asset transfers in that prospective transferees of other similar assets about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be available from the Land Registry following completion of the purchases and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (e) The appendix to the supplementary report referred to in minute 185 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information relates to the financial or business affairs of a particular charitable organisation and of the Council. The information is not publicly available from the statutory registers of

information kept in respect of certain companies and charities. It is considered that since the information was obtained through one to one negotiations for the disposal of the property then it is not in the public interest to disclose the information at this point in time as it could undermine this method of negotiation and affect the integrity of disposing of property/land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to this or other similar transactions in that prospective purchasers of this or other similar properties would have information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of any transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this point in time.

- (f) Appendix 1 and Schedule 1 to the report referred to in minute 206 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption on the information contained within Appendix 1 and Schedule 1 of the report which relates to the proposals to progress design proposals for the proposed arena development, the adoption of the contractor procurement strategy, the implementation of the project management arrangements and the proposed legal agreement outweighs the public interest in disclosing the information, as to do so would prejudice the ongoing negotiations and hence the cost to the Council of developing the arena.

187 Declaration of Interests

Councillors A Carter, Brett and J L Carter all declared personal interests in the items relating to Support for Affordable Housing and Regeneration Priorities (minute 193) and Affordable Housing Strategic Partnership Pump Priming for Decanting and Demolition (minute 194) due to their respective positions on the Affordable Housing Strategic Partnership Board.

188 Minutes

RESOLVED – That the minutes of the meeting held on 14th January 2009 be approved as a correct record.

CENTRAL AND CORPORATE

189 Council Budget 2009/2010 and Capital Programme

The Board extended its thanks to all those involved in compiling the 2009/10 budget.

(A) Revenue Budget 2009/10 and Council Tax 2009/10

The Director of Resources submitted a report on the Council's budget for 2009/10 following detailed consideration of service requirements and taking account of the Local Government Finance Settlement, the

Council's Financial Plan and the current economic climate. The report indicated that the budget would result in a Band D Council Tax of £1,095.61.

RESOLVED –

- (i) That Council be recommended to approve the Revenue Budget for 2009/10 totalling £556,808,000, as detailed and explained in the submitted report and accompanying papers, including a 2.9% increase in the Leeds element of the Council Tax.
 - (ii) That with respect to the Housing Revenue Account, Council be recommended to:
 - (a) approve the budget at the average rent increase figure of 6.2%;
 - (b) increase the charges for garage rents to £5.89 per week;
 - (c) depool service charges in 2009/10, but increase them in line with the average rent rises;
 - (d) abolish the Residential Housing Officer service charge to tenants in the East North East and Aire Valley ALMO areas for 2009/10 onwards.
 - (iii) That Council be recommended to approve the proposed revisions to the Budget and Policy Framework rules as detailed in Appendix 3 to the submitted report
- (B) Capital Programme 2008-2012
The Director of Resources submitted a report setting out the updated capital programme for 2008-2012.

RESOLVED -

- (i) That the following be recommended to Council:
 - (a) That the capital programme, as attached to the submitted report be approved, and that the list of schemes shown at Appendix H to the report be reserved until additional resources become available;
 - (b) That Executive Board be authorised to approve in year amendments to the capital programme including transfers from and to the reserved programme in accordance with Financial Procedure Rules;
 - (c) That the updated capital approval delegations in Financial Procedure Rules as shown in Appendix I to the report be approved;
 - (d) That the Minimum Revenue Provision policy for 2008/09 be amended as set out in paragraph 5.3.2 of the report;
 - (e) That the proposed Minimum Revenue Provision policies for 2009/10, as set out in paragraph 5.3.3 and explained in Appendix G to the report be approved.

- (ii) That the list of land and property sites shown in Appendix F to the report be disposed of to generate capital receipts to support the capital programme;
- (iii) That the Director of Resources be authorised to manage, monitor and control scheme progress and commitments to ensure that the programme is affordable.

(C) Treasury Management Strategy 2009/10

The Director of Resources submitted the proposed Treasury Management Strategy for 2009/10 and provided an update on the implementation of the 2008/09 strategy.

RESOLVED –

- (i) That the initial treasury strategy for 2009/10, as set out in section 3.3 of the report be approved, and that the review of the 2008/09 strategy and operations, as set out in sections 3.1 and 3.2 of the report be noted;
- (ii) That Council be recommended to set the borrowing limits for 2008/09, 2009/10, 2010/11 and 2011/12 as detailed in section 3.4 of the report;
- (iii) That Council be recommended to set the treasury management indicators for 2008/09, 2009/10, 2010/11 and 2011/12 as detailed in section 3.5 of the report;
- (iv) That Council be recommended to set the investment limits for 2008/09, 2009/10, 2010/11 and 2011/12 as detailed in section 3.6 of the report;
- (v) That Council be recommended to reaffirm the Treasury Management Policy Statement and to note the amendments to section 7 of the statement entitled “Approved Instruments and Organisations for Investments” as detailed at appendix C to the report.

(The matters referred to in parts A(i), A(ii)(a) to A(ii)(d), A(iii), B(i)(a) to B(i)(e) and C(ii), (iii), (iv) and (v) of this minute being matters reserved to Council were not eligible for Call In)

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on the decisions contained in this minute)

190 Financial Health Monitoring 2008/09 - Third Quarter Report

The Director of Resources submitted a report setting out the Council’s financial health position for 2008/09 after nine months of the financial year, in respect of the revenue expenditure and income to date compared to the approved budget, the projected year end position and proposed actions to work towards achieving a balanced budget by the year end. In addition, the report also highlighted the position regarding other key financial indicators including the Housing Revenue Account.

RESOLVED –

- (i) That the projected financial position of the authority after nine months of the financial year be noted;
- (ii) That the release of £1,450,000 earmarked for the Affordable Housing scheme and the purchase of 10 HRA properties within the EASEL regeneration area be approved.

DEVELOPMENT AND REGENERATION

191 Leeds Flood Alleviation Scheme: Design Vision and Guide

The Chief Highways Officer submitted a report presenting for comment the latest version of the Leeds Flood Alleviation Scheme Design Vision and Guide and seeking authorisation for the document's use in joint public consultations which would be undertaken in conjunction with the Environment Agency (EA) in Spring 2009.

The report was accompanied by a joint presentation from the Chief Highways Officer and Martin Slater of the Environment Agency outlining the key issues to the Board.

RESOLVED –

- (i) That the progress made on a Flood Alleviation Scheme for Leeds be noted;
- (ii) That the latest version of the Design Vision and Guide for the Leeds Flood Alleviation Scheme be noted;
- (iii) That the continuing development and refinement of the Design Vision and Guide document be approved and that participation in a comprehensive public consultation exercise to be undertaken in conjunction with the Environment Agency in Spring 2009 be approved;
- (iv) That the Environment Agency be requested to continue exploring the feasibility of a hybrid flood defence scheme for Leeds, comprising upstream storage facilities within the scheme, in order to lower the height of the raised 'flood defences' in the City Centre.

NEIGHBOURHOODS AND HOUSING

192 EASEL Regeneration Planning

Further to minute 120, 5th November 2008, the Director of Environment and Neighbourhoods submitted a report setting out the regeneration context, strategy and programme for the East and South East Leeds (EASEL) regeneration initiative. The report also provided an update on the delivery of the project to date which included key areas of activity, current projects and identification of recent and current investment into the EASEL area, including the contributions of partners to the key regenerative outcomes of the programme.

RESOLVED – That the approach to regeneration investment being taken in support of the EASEL initiative be noted.

193 Support for Affordable Housing and Regeneration Priorities

The Director of Environment and Neighbourhoods submitted a report providing details of proposals to support the Council's affordable housing and regeneration priorities in response to current economic conditions, and sought approval to incur expenditure of £2,368,000 to support the EASEL initiative and enable the Council to buy twenty houses on the EASEL phase one sites to be used as social and intermediate rented homes.

Following consideration of Appendix 2 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting it was

RESOLVED –

- (i) That the priorities for affordable housing and regeneration be supported and that the Director of Environment and Neighbourhoods be authorised to negotiate an appropriate support package with the HCA and to report details of the result of those discussions to Executive Board in June 2009;
- (ii) That the purchase of twenty units, as outlined within the report be approved, that the responsibility for completing the purchase agreements for the twenty units be delegated to the Director of Environment and Neighbourhoods, the Director of City Development and the Assistant Chief Executive (Corporate Governance) within the funding approved in the submitted report;
- (iii) That the use of £2,368,000 of Council funding as outlined in the submitted report, including the release of £500,000 from HRA Reserves be approved, with the funding from the HRA Reserves being injected into the capital programme through the report of the Director of Resources entitled, 'Capital Programme 2008-2012' considered earlier in the meeting;
- (iv) That the expenditure of £2,368,000 for the acquisition of the units on this scheme to support the EASEL phase one sites and the promotion of the economic, social and environmental wellbeing of the EASEL area be authorised;
- (v) That the findings of the Scrutiny Board (Environment and Neighbourhoods) inquiry entitled 'Housing Lettings Pressures' be circulated to Executive Board members for information.

194 Affordable Housing Strategic Partnership - Decanting and Demolition Scheme

The Director of Environment and Neighbourhoods submitted a report outlining the options for the Affordable Housing Strategic Partnership (AHSP) to undertake demolition and decanting on sites which formed part of the 87 acres ring fenced for the provision of affordable housing, and sought approval to inject into the capital programme and requested authority to spend £3,784,000 to fund the decanting and demolition costs associated with clearing sites on Housing Revenue Account (HRA) land for use in the Environment and Neighbourhood AHSP programme.

RESOLVED –

- (i) That expenditure of £3,784,000 to fund the demolition/decanting programme and fees for the period April 2009 to March 2011 be approved;
- (ii) That officers be instructed to bring an annual update report back to Executive Board detailing the progress of the scheme.

195 Waiving of Planning Contributions on 100% Affordable Housing Schemes

The Director of Environment and Neighbourhoods and the Director of City Development submitted a joint report outlining proposals regarding the introduction of a waiver of the planning contributions for greenspace on schemes below 50 units which were funded via the 2008/2011 HCA National Affordable Housing Programme and which would provide 100% affordable housing in accordance with the Council's priorities.

RESOLVED –

- (i) That the usual contribution requested for greenspace be waived on schemes which are below 50 units and which will provide 100% affordable housing (in accordance with the planning definition of affordable housing), subject to the individual merits of each scheme being given due consideration;
- (ii) That the resolution detailed at (i) be applied to schemes which are grant funded via the HCA in the 2008/2011 National Affordable Programme;
- (iii) That the submitted report be forwarded to the Plans Panels for information;
- (iv) That the policy be reviewed in 12 months time.

CHILDREN'S SERVICES

196 Proposed Changes to the Council's Policy for the Provision of 16+ Transport

The Chief Executive of Education Leeds submitted a report presenting proposals to undertake a consultation exercise regarding the provision of Home to School/College transport for those 16 years or older.

RESOLVED –

- (i) That the commencement of a consultation process from the 23rd February 2009 and ending on the 3rd April 2009 on the proposal to withdraw discretionary provision of Home to School/College transport for those 16 years or older be approved;
- (ii) That a further report on the outcome of the consultation process be submitted to the Executive Board in May 2009.

197 Annual Standards Report - Primary Schools

The Chief Executive of Education Leeds submitted a report providing an overview of the performance of primary schools at the end of 2007/08, as demonstrated through statutory national testing and teacher assessment.

The report outlined the actions taken by Education Leeds to fulfil its responsibilities to the Board and schools and summarised some of the current key challenges and priorities faced by primary schools.

Following consideration of Annex 2 to the report designated as exempt under Access to Information Procedure Rule 10.4(1) and (2) which was considered in private at the conclusion of the meeting it was

RESOLVED – That the progress which has been made in recent years, in addition to the key issues and challenges which are currently being addressed be noted.

198 Annual Standards Report - Secondary Schools

The Chief Executive of Education Leeds submitted a report providing a summary of the progress which had been made in secondary school improvement in Leeds during the past year, a commentary on the successful strategies which had been implemented and an overview of the challenges for further improvement which lay ahead. The report also provided a summary of the outcome of recent OfSTED inspections, progress in schools with focused and extended partnerships, and details of trends of improvement for key indicators including priority groups.

Following consideration of annex 2 to the report designated as exempt under Access to Information Procedure Rule 10.4(1) and (2), which was considered in private at the conclusion of the meeting it was

RESOLVED –

- (i) That the progress which has been made in recent years, in addition to the key issues and challenges which are currently being addressed be noted;
- (ii) That a report be submitted to a future meeting of the Board outlining the actions being taken to improve the educational attainment levels of Looked After Children.

LEISURE

199 Leeds Public Rights of Way Improvement Plan 2009-2017

Further to minute 231, 14th May 2008, the Director of City Development submitted a report presenting for approval the final Rights of Way Improvement Plan (ROWIP) following the conclusion of the 12 week statutory consultation period which had been undertaken.

Officers undertook to ensure that relevant Ward based maps detailing the Rights of Way network were made to be available to Ward Members.

RESOLVED –

- (i) That the contents of the report, including the Rights of Way Improvement Plan, the Executive Summary and Action Plan, as appended to the report, be noted;

- (ii) That the Leeds Rights of Way Improvement Plan for 2009-2017 be approved.

200 Parks and Green Space Strategy

The Director of City Development submitted a report presenting for endorsement the Council's Parks and Greenspace Strategy, following the conclusion of a comprehensive consultation process.

RESOLVED – That the Council's Parks and Greenspace Strategy be endorsed.

201 City Centre Park

The Director of City Development submitted a report advising of the progress which had been made on the proposals for a City Centre Park, specifically with regard to the medium and long term objectives identified which could be developed further through feasibility work, in order to enable more specific proposals to be submitted to a future meeting of the Board.

RESOLVED –

- (i) That the contents of the report be noted;
- (ii) That the implementation of the feasibility works required to explore the development of a new green space at Sovereign Street, which will require the allocation of £50,000 from the Council's revenue contingency be agreed;
- (iii) That the preparation of a Planning and Development Brief for the Sovereign Street site be agreed;
- (iv) That officers be authorised to undertake consultation with key stakeholders in the city centre in order to inform any further proposals which are brought back to Executive Board for consideration;
- (v) That officers report back to Executive Board following the outcome of the feasibility work and the consultations undertaken, including the outcome of any work undertaken in parallel on the provision of a new bus station;
- (vi) That work be undertaken on the land assembly and land use planning issues associated with the development of a new green space to the south of the River Aire, and that officers report back on the outcome of this work to the Board;
- (vii) That the provision for a major city centre park to the south of the city centre be included within the City Centre Action Plan;
- (viii) That a Supplementary Planning Document regarding contributions toward City Centre public realm be prepared;
- (ix) That a further report outlining potential options for funding be presented to a future meeting of the Board.

ADULT HEALTH AND SOCIAL CARE

202 Design and Cost Report - Department of Health Extra Care Housing Fund Bid: 2008 - 2010

The Director of Adult Social Care submitted a report introducing the capital scheme and seeking authority to spend the £1,845,000 which had been injected into the Capital Programme in November 2008.

RESOLVED –

- (i) That authority be given to spend the £1,845,000 in order to allow payment of the grant to Methodist Homes when instalments of the grant are received from the Department of Health;
- (ii) That the Project Brief, as presented within the submitted report be approved.

203 Income Review for Community Care Services

Further to minute 17, 11th June 2008, the Director of Adult Social Care submitted a report presenting the outcomes from the review of income for non-residential adult social care services following conclusion of a consultation exercise and recommending changes with respect to service user contributions.

RESOLVED –

- (i) That the outcomes of the consultation and the way in which they have been addressed as set out in section 7 of the submitted report be noted;
- (ii) That the outcomes of the equality impact assessment and the way in which they have been addressed as set out in section 8.2 of the report be noted;
- (iii) That the Charging and Contributions Policy Framework as set out at appendix 2 to the report be approved;
- (iv) That changes to service user contributions, as set out in sections 10.10, 10.11, 11.2, 11.4 and 11.5 of the report be approved;
- (v) That a summary document be prepared for service users outlining the service user contributions as detailed in section 11.8 of the report;
- (vi) That officers be requested to carry out additional work on carers support services and the community support enablement service, as outlined in sections 10.12 to 10.14 of the report and submit a further report to Members as soon as possible;
- (vii) That further reports be brought to Executive Board on any implications of implementing personalisation on the principles and detail of service user contributions, as set out in the report.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on the decisions contained in this minute)

DEVELOPMENT AND REGENERATION

204 City Centre Vision - One Year On

The Director of City Development submitted a report providing an update on the progress which had been made in achieving the City Centre Vision, as developed at the City Centre Vision conference in January 2008.

The Board discussed the possibility of holding a further event to consider some of the key themes detailed within the report.

RESOLVED –

- (i) That the progress achieved in delivering the City Centre Vision, as detailed within the submitted report, be noted;
- (ii) That a report be submitted to a future meeting of the Board outlining the options available with respect to the regeneration of Upper Briggate.

205 School Partnership Trust, Garforth

Further to minute 151, 23rd January 2008, a joint report was submitted by the Chief Asset Management Officer and the Assistant Chief Executive (Corporate Governance) providing an update on the current position with respect of the terms approved by Executive Board on 23rd January 2008 for the transfer of relevant land and buildings at Garforth to the School Partnership Trust. As it had not been possible to agree the transfer terms in a form approved by Executive Board in January 2008, the report provided options for possible ways forward.

Following consideration of appendices 1, 2 and 3 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which were considered in private at the conclusion of the meeting it was

RESOLVED –

- (i) That the contents of the report be noted;
- (ii) That the terms of the Side Letter, as detailed in confidential appendix 1 to the report be approved;
- (iii) That the Chief Officer (Legal Licensing and Registration) be authorised to:-
 - negotiate terms in the Transfer Agreement – sufficient to protect the Council's position on any future disposal of assets by the Trust, or
 - if this cannot be achieved, to refer the matter to the Schools Adjudicator for determination;
- (iv) That the risks around school asset transfer, as outlined within confidential appendix 2 to the report, and the action being taken in relation to this, be noted;
- (v) That the investigations currently being undertaken into the ways in which the Council can address the issues arising from school asset transfer be continued as a priority, and that both the LGA and Core Cities be consulted on how they are addressing such matters.

206 Leeds Arena - Proposed Project Delivery/Management Arrangements

Further to minute 133, 5th November 2008, the Director of City Development submitted a report on the progress made in acquiring the site of the Brunswick Building from Leeds Metropolitan University and providing a summary of the current position relating to the conclusion of a legal agreement to facilitate the development of the arena.

Following consideration of appendix 1 and schedule 1 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which were considered in private at the conclusion of the meeting it was

RESOLVED –

- (i) That the procurement strategy for the design team and the retention of consultants to progress the design proposals for the arena development be approved;
- (ii) That the Director of City Development under the Council's scheme of delegation be authorised to determine the preferred form of construction contractor procurement;
- (iii) That the acquisition of the site of the Brunswick Building from Leeds Metropolitan University be noted;
- (iv) That the progress made in concluding the legal agreement to facilitate the development of the arena be noted;
- (v) That the project management arrangements for the arena development be noted.

(The matters referred to in this minute were not eligible for Call In on the basis that Executive Board at its meeting on 5th November 2008 took the decision to lead on the development of the arena, to appoint a design team and contractor and to determine the project management arrangements for the delivery of the project, and instructed officers to report back on the proposed delivery mechanism. The resolutions contained within this minute were consistent with decisions taken by Executive Board on 5th November 2008)

DATE OF PUBLICATION: 17TH FEBRUARY 2009
LAST DATE FOR CALL IN: 24TH FEBRUARY 2009 (5.00 PM)

(Scrutiny Support will notify Directors of any items called in by 12 noon on 25th February 2009)